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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Jay H. CONNELLY et al.

X
: Confirmation No.: 2643

For

SYSTEM AND METHOD FOR
CONTROLLING AN
ELECTRONIC DEVICE

: Examiner: Trang U. Tran

: Art Unit: 2614

Filed: February 18, 1999

Serial No.: 09/250,940

Customer No.: 26646

X

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Michelle M. Carniaux (Reg. No. 36,098)

APPEAL BRIEF TRANSMITTAL

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 1.192(a).

Please charge the Appeal Brief fee of \$500.00, and any other fees that may be required in connection with this communication to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.

Applicant hereby requests a five-month extension of time for submitting the Appeal Brief. The extended period for submitting the Appeal Brief expires on March 31, 2006. Please charge the \$2,160.00 extension fee and any other fee that may be required to Deposit Account No. 11-0600. A duplicate of this Transmittal is enclosed

Respectfully submitted,

Dated: 24 March 06

By: Michelle M. Carniaux
Registration No. 36,098

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[02207/6019]

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In re application of:

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Date: 24 March 2006

Signature:

Michelle Connolly
Reg No 36098

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

SIR:

On August 31, 2005, Appellants submitted a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated April 5, 2005 in the above-identified patent application.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the final rejections of claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48. For at least the reasons set forth below, the final rejections of claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48 should be reversed.

1. REAL PARTY IN INTEREST

The real party in interest in the present appeal is Intel Corporation, 2200 Mission College Boulevard, P.O. Box 58119, Santa Clara, California, 95052-8119, which is the assignee of the entire right, title and interest in the present application.

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2. RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, Intel Corporation, "which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal."

3. STATUS OF CLAIMS

Claims 1, 12, 17, 28, 37, 39, and 40 have been canceled.

Claims 2 to 9, 13 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,057,874 ("Michaud") and U.S. Patent No. 5,963,264 ("Jackson").

Claims 10, 11, and 33 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and U.S. Patent No. 6,108,042 ("Adams et al.").

Appellants appeal from the final rejections of claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48.

A copy of the appeal claims, *i.e.*, claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48, is attached hereto in the Claims Appendix.

4. STATUS OF AMENDMENTS

In response to the Final Office Action dated April 5, 2005, Appellants filed a "Reply Under 37 C.F.R. § 1.116" on July 5, 2005. However, the Reply did not contain any amendments.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

In conventional television systems, a TV producer, for example, has limited options as regards producing a TV program because a television set processes conventional television signals which include only video and sound signals. *Specification*, page 2, lines 19 to 23. For this type of system, the TV producer cannot generate other signals to produce, *e.g.*, special effects during broadcasting of the TV program because such other signals cannot be transmitted and executed simultaneously with video and audio signals. *Specification*, page 2, lines 23 to 27. For instance, it would be desirable to generate, *e.g.*, signals that would control lights in a TV viewer's room. *Specification*, page 2, lines 27 to 29. Also, TV programs are periodically interrupted for an advertisement. *Specification*, page 2, lines 29 to

30. The advertisement cannot be shown simultaneously (e.g., on another device) with the TV program. *Specification*, page 2, lines 29 to 31. Thus, in accordance with the present invention, other signals are transmitted together with the TV signal for, e.g., controlling other devices. *Specification*, page 2, lines 32 to 34.

In one example embodiment of the present, content providers can offer new services over a network. For example, a user may sample, buy and download, e.g., a particular produce while watching the TV program. *Specification*, page 10, lines 11 to 14. Also, a user may receive stock information while watching a business report. *Specification*, page 10, lines 19 to 22. A user may “attend” interactive classes while simultaneously receiving handouts. *Specification*, page 10, lines 22 to 23. A VCR may be controlled to record a particular TV program. *Specification*, page 10, lines 29 to 30.

An example embodiment of the present invention is illustrated in, for example, Fig. 2 of the present application. In this embodiment, a first device 100, e.g., on the transmission side, receives a command signal from a command device via a first command receiver 130. *Specification*, page 5, lines 20 to 22. The first device 100 also receives a data signal from an input device via a first data receiver 110. *Specification*, page 5, lines 18 to 20. The first device 100 converts the data and command signals into a first and second signal, respectively (e.g., using command coder 140 and data coder 120). *Specification*, page 5, lines 23 to 26. The command coder 140 may be coupled to the command receiver 130, and the data coder 120 may be coupled to the data receiver 110. *Fig. 2*. The data signals may be, e.g., for display of TV program content, while the command signals may be, e.g., signals for controlling the intensity of lights in the room during display of the TV program content. *Specification*, page 5, lines 3 to 12. First device 100 also includes a modulator 150 which is coupled to the command and data coders and which combines these signals into a transmission signal, and a transmitter 160 coupled to the modulator 150 for transmitting the signal. *Specification*, page 5, lines 26 to 30, and *Fig. 2*.

Fig. 3 shows an embodiment of a second device 200 which receives the transmitted signals. In this embodiment, the second device 200 includes a second receiver 211 for receiving the transmission signal. *Specification*, page 5, line 36 to page 6, line 2. The second device 200 separates the received signal into first and second signals via a demodulator 210. *Specification*, page 6, lines 3 to 6. The second device also decodes the first and second signals via, e.g., data and command decoders 220 and 240, into the data and command signals. *Specification*, page 6, lines 3 to 9. Via a second data transmitter 230 and a second command transmitter 260, the data signal (e.g., the decoded first signal) is then

transmitted to an output device 25 (e.g., a television set) and the command signal (e.g., the decoded second signal) is transmitted to a target device (e.g., a light control), so that the target device may be controlled while the output device renders the data signals.

Specification, page 6, lines 9 to 17.

A method according to an example embodiment of the present invention is illustrated by, for example, a flowchart shown in Fig. 6 of the present invention. A command device 15 requests first and second network addresses from the first device 100 at 610.

Specification, page 7, lines 10 to 12. The first device 100 provides the requested addresses to the command device 15 at 620. *Specification*, page 7, lines 19 to 26. An initialization message located at the first address, which includes the second address, is provided to the first device 100 at 630. *Specification*, page 7, line 27 to 31. The message located at the first address is transmitted to a second device at 650. *Specification*, page 7, line 32 to page 8, line 1. The second address is extracted from the message using the second device and is stored using a memory unit. *Specification*, page 8, lines 3 to 13. The data and command signals are transmitted to the first device 100 at 670. *Specification*, page 8, lines 14 to 16. The command signal located at the second address is transmitted to the second device 200. *Specification*, page 8, lines 24 to 25. The data signal is transmitted to the second device 200. *Specification*, page 8, lines 28 to 29. At least one target device is controlled using the command signal. *Specification*, page 5, lines 3 to 12, and page 8, lines 29 to 31. The second device 200 provides the data signal to an output device. *Specification*, page 8, lines 24 to 31. The output device provides an output as a function of the data signal, while the target device is controlled using the command signal. *Specification*, page 5, lines 3 to 12.

6. GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL

A. Whether claims 2 to 9, 13 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of Michaud and Jackson.

B. Whether claims 10, 11, and 33, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of Michaud, Jackson, and Adams et al.

7. **ARGUMENTS**

A. **Rejection of Claims 2 to 9, 13 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 Under 35 U.S.C. § 103(a)**

Claims 13 to 15

Claims 13 to 15 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable any of claims 13 to 15 for at least the following reasons.

To establish a *prima facie* case of obviousness, the Office must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 13 recites the following:

13. A generating device of a system for providing a transmission signal, the system controlling at least one target device, comprising:
a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device;
a command coder converting the command signal into a first signal, the command coder being coupled to the command receiver;
a data receiver receiving a data signal from an input device; and
a data coder converting the data signal into a second signal, the data coder being coupled to the data receiver;
a modulator coupled to the command and data coders and generating the transmission signal using the first and second signals; and
a transmitter coupled to the modulator and transmitting the transmission signal, wherein data in the command signal and data in the data signal are linked so that when the data signal is used at a receiving end of the transmission signal, the at least one target device is controlled as a function of the command signal while an output device at the receiving end provides an output as a function of the data signal.

The Examiner refers to the microprocessor 100 of Michaud as allegedly disclosing the recited command receiver. The microprocessor 100 is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose an at least one target device controlled as a function of the command signal while the output device provides an output as a function of the data signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose

or suggest these features. Specifically, Jackson does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

Jackson refers to an IR code list, an IR selection, an EPG (Electronic Programming Guide) selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list was transmitted is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not transmitted in a transmission signal with a data signal based on which an output device outputs data while a target device is controlled by the IR selection. Rather, the IR selection is (a) provided by a user without data for output

by an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR 38 separate from any data that might be output by an output device, e.g., separate from any data which may be transmitted for output by the TV/monitor 36. Accordingly, the IR selection does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted in a transmission signal with a data signal based upon which data is output at an output device, e.g., the TV/monitor 36.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, transmission of the video and audio signals is entirely separate from transmission of the EPG selection. The video and audio signals are received from uplink center 1 and the EPG selection is received from a user. The EPG selection is not transmitted in a transmission signal with the video and audio signals. Accordingly, the EPG selection does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, control of a target device in accordance with the EPG *while* data is output by an output device based on a data signal with which the EPG was transmitted is not disclosed or suggested.

For example, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output data and the EPG are transmitted together. The EPG is transmitted by the uplink center 1 at

time intervals together with data to be output at the TV/monitor 36. Jackson does not disclose or suggest that the data with which a particular EPG is transmitted by the uplink center 1 is output at the TV/monitor 36 while the VCR 38 is controlled based on the comparison between the EPG selection and the particular EPG transmitted when the output data signal was transmitted. For example, based on the comparison, the VCR 38 may be controlled immediately subsequent to the output of data with which the EPG was transmitted; not at the same time. By the time the VCR 38 is controlled in accordance with the comparison, the data with which the EPG was transmitted would have already been output at the TV/monitor 36, and other data transmitted subsequent to the transmission of the EPG would be output at the TV/monitor 36. Accordingly, the EPG does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 13. Claim 13 recites that a transmission signal is generated using a signal into which a data signal is converted and a signal into which a command signal is converted, and that data of these same signals are linked so that the target device is controlled *as a function of the command signal*, and the output device provides an output *as a function of the data signal*, i.e., the same command and data signals by which the transmission signal was generated. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 13. Neither Michaud nor Jackson suggest a modification of Michaud such that a command signal and data signal transmitted together control a target device and cause output by an output device simultaneously. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 13. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 13.

As for claims 14 and 15, which depend from claim 13 and therefore include all of the features recited in claim 13, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 13. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claims 16, and 18 to 26

Claims 16, and 18 to 26 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable any of claims 16, and 18 to 26 for at least the following reasons.

Claim 16 recites the following:

16. A control device of a system, the system controlling at least one target device, comprising:
- a receiver receiving a transmission signal;
 - a demodulator extracting a first signal and a second signal from the transmission signal;
 - a command decoder decoding the first signal into the command signal;
 - a data decoder decoding a data signal from the second signal; and
 - a data transmitter receiving the data signal and providing the data signal to an output device;
- wherein the at least one target device is controlled as a function of the command signal while an output device provides an output as a function of the data signal.

Michaud refers to a microprocessor 100 that is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose an at least one target device controlled as a function of the command signal while the output device provides an output as a function of the data signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not disclose or suggest a first signal decoded into a command signal that is transmitted in a transmission signal with a second signal from which a data signal is decoded and that causes control of a target device while

output is provided by an output device as a function of the second signal with which the first signal was transmitted.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list was transmitted is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal (or a signal from which the command signal is decoded) that is transmitted in a transmission signal with a data signal (or a signal from which the data signal is decoded) and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not transmitted in a transmission signal with a data signal based on which an output device outputs data while a target device is controlled by the IR selection. Rather, the IR selection is (a) provided by a user without data for output by an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR

38 separate from any data that might be output by an output device, e.g., separate from any data which may be transmitted for output by the TV/monitor 36. Accordingly, the IR selection does not disclose or suggest a command signal (or a signal from which the command signal is decoded) that is transmitted in a transmission signal with a data signal (or a signal from which the data signal is decoded) and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted in a transmission signal with a data signal based upon which data is output at an output device, e.g., the TV/monitor 36.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, transmission of the video and audio signals is entirely separate from transmission of the EPG selection. The video and audio signals are received from uplink center 1 and the EPG selection is received from a user. The EPG selection is not transmitted in a transmission signal with the video and audio signals. Accordingly, the EPG selection does not disclose or suggest a command signal (or a signal from which the command signal is decoded) that is transmitted in a transmission signal with a data signal (or a signal from which the data signal is decoded) and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, control of a target device in accordance with the EPG *while* data is output by an output device based on a data signal with which the EPG was transmitted is not disclosed or suggested.

For example, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output

data and the EPG are transmitted together. The EPG is transmitted by the uplink center 1 at time intervals together with data to be output at the TV/monitor 36. Jackson does not disclose or suggest that the data with which a particular EPG is transmitted by the uplink center 1 is output at the TV/monitor 36 while the VCR 38 is controlled based on the comparison between the EPG selection and the particular EPG transmitted when the output data signal was transmitted. For example, based on the comparison, the VCR 38 may be controlled immediately subsequent to the output of data with which the EPG was transmitted; not at the same time. By the time the VCR 38 is controlled in accordance with the comparison, the data with which the EPG was transmitted would have already been output at the TV/monitor 36, and other data transmitted subsequent to the transmission of the EPG would be output at the TV/monitor 36. Accordingly, the EPG does not disclose or suggest a command signal (or a signal from which the command signal is decoded) that is transmitted in a transmission signal with a data signal (or a signal from which the data signal is decoded) and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 16. Claim 16 recites a transmission signal from which a data signal is decoded and from which a command signal is decoded, and that data of these same signals are received so that the target device is controlled *as a function of the command signal*, and the output device provides an output *as a function of the data signal, i.e.*, the same command and data signals decoded from the transmission signal. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 16. Neither Michaud nor Jackson suggest a modification of Michaud such that a command signal and data signal transmitted together control a target device and cause output by an output device simultaneously. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were decoded from the same transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 16. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 16.

As for claims 18 to 26, which ultimately depend from claim 16 and therefore include all of the features recited in claim 16, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 16. *In re Fine, supra*.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claims 27, and 29 to 32

Claims 27, and 29 to 32 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable any of claims 27, and 29 to 32 for at least the following reasons.

Claim 27 recites the following:

- 27. A method for controlling at least one target device, comprising:
 - (a) providing a command signal and a data signal to a first device, the command signal being associated with the data signal;
 - (b) converting the command and data signals to a transmission signal using the first device;
 - (c) transmitting the transmission signal to a second device;
 - (d) extracting the command signal from the transmission signal using the second device;
 - (e) controlling the at least one target device as a function of the command signal;
 - (f) extracting the data signal from the transmission signal using the second device; and
 - (g) providing the data signal to an output device, the output device providing an output as a function of the data signal while the at least one target device is controlled as a function of the command signal associated with the data signal.

Michaud refers to a microprocessor 100 that is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose controlling at least one target device as a function of a command signal and providing a data signal to an output device, where the output device provides an output as a function of the data signal while the at least one target device is controlled as a function of the command signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not disclose or suggest a command signal that causes control of a target device while output is

provided by an output device as a function of the data signal that was extracted from the same transmission signal as was the command signal.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list was transmitted is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal that is extracted from a transmission signal from which a data signal is also extracted and that causes control of a target device while output is provided by an output device as a function of the data signal extracted from the transmission signal from which the command signal was extracted.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not transmitted in a transmission signal with a data signal based on which an output device outputs data while a target device is controlled by the IR selection. Rather, the IR selection is (a) provided by a user without data for output by an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR

38 separate from any data that might be output by an output device, e.g., separate from any data which may be transmitted for output by the TV/monitor 36. Accordingly, the IR selection does not disclose or suggest a command signal that is extracted from a transmission signal from which a data signal is also extracted and that causes control of a target device while output is provided by an output device as a function of the data signal extracted from the transmission signal from which the command signal was extracted.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted in a transmission signal with a data signal based upon which data is output at an output device, e.g., the TV/monitor 36.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, transmission of the video and audio signals is entirely separate from transmission of the EPG selection. The video and audio signals are received from uplink center 1 and the EPG selection is received from a user. The EPG selection is not transmitted in a transmission signal with the video and audio signals. Accordingly, the EPG selection does not disclose or suggest a command signal that is extracted from a transmission signal from which a data signal is also extracted and that causes control of a target device while output is provided by an output device as a function of the data signal extracted from the transmission signal from which the command signal was extracted.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, control of a target device in accordance with the EPG *while* data is output by an output device based on a data signal with which the EPG was transmitted is not disclosed or suggested.

For example, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output data and the EPG are transmitted together. The EPG is transmitted by the uplink center 1 at

time intervals together with data to be output at the TV/monitor 36. Jackson does not disclose or suggest that the data with which a particular EPG is transmitted by the uplink center 1 is output at the TV/monitor 36 while the VCR 38 is controlled based on the comparison between the EPG selection and the particular EPG transmitted when the output data signal was transmitted. For example, based on the comparison, the VCR 38 may be controlled immediately subsequent to the output of data with which the EPG was transmitted; not at the same time. By the time the VCR 38 is controlled in accordance with the comparison, the data with which the EPG was transmitted would have already been output at the TV/monitor 36, and other data transmitted subsequent to the transmission of the EPG would be output at the TV/monitor 36. Accordingly, the EPG does not disclose or suggest a command signal that is extracted from a transmission signal from which a data signal is also extracted and that causes control of a target device while output is provided by an output device as a function of the data signal extracted from the transmission signal from which the command signal was extracted.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 27. Claim 27 recites converting a command signal and a data signal into a transmission signal, extracting the command signal and data signal from the transmission signal, and that a target device is controlled *as a function of the command signal* while an output device provides an output *as a function of the data signal, i.e.*, the same command and data signals converted into the transmission signal and extracted therefrom. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 27. Neither Michaud nor Jackson suggest a modification of Michaud such that a command signal and data signal transmitted together control a target device and cause output by an output device simultaneously. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal and that were extracted from the same transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 27. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 27.

As for claims 29 to 32, which ultimately depend from claim 27 and therefore include all of the features recited in claim 27, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 13. *In re Fine, supra*.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claims 34 and 35

Claims 34 and 35 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable either of claims 34 and 35 for at least the following reasons.

Claim 34 recites the following:

34. A method for controlling at least one target device, comprising:
- (a) obtaining a first address and a second address from a first device;
 - (b) providing the first and second addresses to a command device;
 - (c) providing a message, located at the first address to the first device using the command device, the message including the second address;
 - (d) transmitting the message, located at the first address, to a second device;
 - (e) extracting the second address from the message using the second device;
 - (f) storing the second address using a memory unit;
 - (g) providing a command signal and a data signal to the first device;
 - (h) transmitting the command signal, located at the second address, to the second device;
 - (i) controlling the at least one target device using the command signal;
 - (j) transmitting the data signal to the second device;
 - (k) providing the data signal to an output device by the second device; and
 - (l) providing, by the output device, an output as a function of the data signal while the at least one target device is controlled using the command signal.

Michaud refers to a microprocessor 100 that is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose controlling at least one target device as a function of a command signal and providing a data signal to an output device, where the output device provides an output as a function of the data signal while the at least one target device is controlled as a function of the command signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not disclose or suggest the recited command signal.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after transmission of the IR code list. At no time does the IR code list 35 itself control any device, and it is not used in any way to control a device. It is simply a list from which an IR selection may be made. Accordingly, the IR code list 35 does not disclose or suggest a command signal.

The IR selection does not disclose or suggest the recited command signal. The IR selection is transmitted by a user to a satellite receiver 12. Jackson does not disclose or suggest transmission of the IR selection to any other device. Instead, the IR selection is used by the IR generator 23 to generate an IR signal. The generated IR signal, not the IR selection, is transmitted. The IR selection, therefore, does not disclose or suggest a command signal that is provided to a first device and transmitted to a second device, as recited in claim 34.

The EPG selection does not disclose or suggest the recited command signal. The selection is provided by a user to the satellite receiver 12, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted to any other device. The EPG selection, therefore, does not disclose or suggest a command signal that is provided to a first device and transmitted to a second device, as recited in claim 34.

The EPG does not disclose or suggest the recited command signal. The EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, with respect to the IR code list, the IR selection, the EPG selection, and the EPG, these do not disclose or suggest the recited command for the following additional reasons.

Claim 34 recites that the command signal and a data signal are provided to a first device from which a first and second address are obtained. The Examiner does not address this feature. Indeed, it is respectfully submitted that Jackson does not disclose or suggest that a data signal and any of the IR code list, the IR selection, the EPG selection, and the EPG are transmitted to a device from which a first and second address are obtained. The combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites that the command signal is located at the second address. The Examiner does not address this feature. Indeed, it is respectfully submitted that Jackson does not disclose that any of the IR code list, the IR selection, the EPG selection, and the EPG is located at such a second address. For example, with respect to the EPG, even assuming that the EPG is a command signal, which it is not, Jackson does not disclose that the EPG is located at an address obtained from a first device. The combination of Michaud and Jackson does not disclose or suggest this feature.

Furthermore, the combination of Michaud and Jackson does not render unpatentable claim 34 for the following additional reasons.

Claim 34 recites providing the first and second addresses to a command device. The Examiner does not address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites providing a message located at the first address to the first device using the command device. The Examiner does not address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites that the message located at the first address includes the second address. The Examiner does not address this feature. Indeed, it is respectfully

submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites transmitting the message to the second device. The Examiner does address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites extracting the second address from the message. The Examiner does not address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Further, claim 34 recites storing the second address. The Examiner does not address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest this feature.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 34. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 34.

As for claim 35, which depends from claim 34 and therefore includes all of the features recited in claim 34, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 34. *In re Fine, supra*.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claim 36

Claim 36 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 36 for at least the following reasons.

As an initial matter, claim 36 ultimately depends from claim 34 and therefore includes all of the features recited in claim 34. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 34. *In re Fine, supra*.

Furthermore, claim 36 recites “wherein the at least one target device selects the command signal as a function of the predetermined data.” The Examiner does not address these features. While the Examiner indicates that claim 36 “is rejected for the same

reasons as discussed in claim 41,” see Final Office Action, dated April 5, 2005, page 13, the features recited in claim 36 are not addressed by the Examiner in the discussion concerning claim 41. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest these features.

For this additional reason, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 36.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claim 38

Claim 38 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 38 for at least the following reasons.

Claim 38 recites the following:

38. A computer-readable storage medium storing a set of instructions, the set of instructions capable of being executed by a processor to implement a control operation of at least one target device on at least one computer system, the method comprising:
- (a) providing a command signal and a data signal to a first device, the command signal being associated with the data signal;
 - (b) converting the command and data signals to a transmission signal using the first device;
 - (c) transmitting the transmission signal to a second device;
 - (d) extracting the command signal from the transmission signal using the second device; and
 - (e) controlling the at least one target device as a function of the command signal while an output device provides an output as a function of the data signal to which the command signal is associated.

Michaud refers to a microprocessor 100 that is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a “SET-UP NEW VCR” option.

The Examiner admits that Michaud does not disclose controlling at least one target device as a function of a command signal and providing a data signal to an output device, where the output device provides an output as a function of the data signal while the at least one target device is controlled as a function of the command signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not

disclose or suggest a command signal that causes control of a target device while output is provided by an output device as a function of the data signal that was converted into the same transmission signal as was the command signal.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list was transmitted is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal that is converted together with a data signal into a transmission signal and that causes control of a target device while output is provided by an output device as a function of the data signal converted together with the command signal into the transmission signal.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not transmitted in a transmission signal with a data signal based on which an output device outputs data while a target device is controlled by the IR selection. Rather, the IR selection is (a) provided by a user without data for output by an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR

38 separate from any data that might be output by an output device, e.g., separate from any data which may be transmitted for output by the TV/monitor 36. Accordingly, the IR selection does not disclose or suggest a command signal that is converted together with a data signal into a transmission signal and that causes control of a target device while output is provided by an output device as a function of the data signal converted together with the command signal into the transmission signal.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted in a transmission signal with a data signal based upon which data is output at an output device, e.g., the TV/monitor 36.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, transmission of the video and audio signals is entirely separate from transmission of the EPG selection. The video and audio signals are received from uplink center 1 and the EPG selection is received from a user. The EPG selection is not transmitted in a transmission signal with the video and audio signals. Accordingly, the EPG selection does not disclose or suggest a command signal that is converted together with a data signal into a transmission signal and that causes control of a target device while output is provided by an output device as a function of the data signal converted together with the command signal into the transmission signal.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, control of a target device in accordance with the EPG *while* data is output by an output device based on a data signal with which the EPG was transmitted is not disclosed or suggested.

For example, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output data and the EPG are transmitted together. The EPG is transmitted by the uplink center 1 at time intervals together with data to be output at the TV/monitor 36. Jackson does not

disclose or suggest that the data with which a particular EPG is transmitted by the uplink center 1 is output at the TV/monitor 36 while the VCR 38 is controlled based on the comparison between the EPG selection and the particular EPG transmitted when the output data signal was transmitted. For example, based on the comparison, the VCR 38 may be controlled immediately subsequent to the output of data with which the EPG was transmitted; not at the same time. By the time the VCR 38 is controlled in accordance with the comparison, the data with which the EPG was transmitted would have already been output at the TV/monitor 36, and other data transmitted subsequent to the transmission of the EPG would be output at the TV/monitor 36. Accordingly, the EPG does not disclose or suggest a command signal that is converted together with a data signal into a transmission signal and that causes control of a target device while output is provided by an output device as a function of the data signal converted together with the command signal into the transmission signal.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 38. Claim 38 recites converting a command signal and a data signal to a transmission signal, and that a target device is controlled *as a function of the command signal* while an output device provides an output *as a function of the data signal, i.e.*, the same command and data signals converted to the transmission signal. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 38. Neither Michaud nor Jackson suggest a modification of Michaud such that a command signal and data signal transmitted together control a target device and cause output by an output device simultaneously. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used together for generating a transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 38. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 38.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claims 2 to 9, and 41 to 44

Claims 2 to 9, and 41 to 44 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable any of claims 2 to 9, and 41 to 44 for at least the following reasons.

Claim 41 recites the following:

41. A communication and control system, comprising:
 - an input device generating a data signal;
 - a command device generating a command signal associated with the data signal;
 - a first device receiving the data and the command signal associated with the data signal, the first device generating a transmission signal including the data signal and the associated command signal;
 - a second device receiving the transmission signal and extracting the data signal and the associated command signal from the transmission signal;
 - an output device receiving the data signal from the second device; and
 - at least one target device controlled automatically as a function of the associated command signal while the output device provides an output as a function of the data signal.

The Examiner refers to the microprocessor 100 of Michaud as allegedly disclosing the recited first device receiving data and command signals. The microprocessor 100 is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose an at least one target device controlled as a function of the command signal while the output device provides an output as a function of the data signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23,

the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list was transmitted is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not transmitted in a transmission signal with a data signal based on which an output device outputs data while a target device is controlled by the IR selection. Rather, the IR selection is (a) provided by a user without data for output by an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR 38 separate from any data that might be output by an output device, e.g., separate from any data which may be transmitted for output by the TV/monitor 36. Accordingly, the IR selection does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not transmitted in a

transmission signal with a data signal based upon which data is output at an output device, e.g., the TV/monitor 36.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, transmission of the video and audio signals is entirely separate from transmission of the EPG selection. The video and audio signals are received from uplink center 1 and the EPG selection is received from a user. The EPG selection is not transmitted in a transmission signal with the video and audio signals. Accordingly, the EPG selection does not disclose or suggest a command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, control of a target device in accordance with the EPG *while* data is output by an output device based on a data signal with which the EPG was transmitted is not disclosed or suggested.

For example, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output data and the EPG are transmitted together. The EPG is transmitted by the uplink center 1 at time intervals together with data to be output at the TV/monitor 36. Jackson does not disclose or suggest that the data with which a particular EPG is transmitted by the uplink center 1 is output at the TV/monitor 36 while the VCR 38 is controlled based on the comparison between the EPG selection and the particular EPG transmitted when the output data signal was transmitted. For example, based on the comparison, the VCR 38 may be controlled immediately subsequent to the output of data with which the EPG was transmitted; not at the same time. By the time the VCR 38 is controlled in accordance with the comparison, the data with which the EPG was transmitted would have already been output at the TV/monitor 36, and other data transmitted subsequent to the transmission of the EPG would be output at the TV/monitor 36. Accordingly, the EPG does not disclose or suggest a

command signal that is transmitted in a transmission signal with a data signal and that causes control of a target device while output is provided by an output device as a function of the data signal with which the command signal was transmitted.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 41. Claim 41 recites that a transmission signal is generated that includes a data signal and a command signal, and that these same signals are used such that the target device is controlled *as a function of the command signal*, and the output device provides an output *as a function of the data signal, i.e.*, the same command and data signals by which the transmission signal was generated. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 41. Neither Michaud nor Jackson suggest a modification of Michaud such that a command signal and data signal transmitted together control a target device and cause output by an output device simultaneously. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were included in the same transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 41. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 41.

As for claims 2 to 9, and 42 to 44, which ultimately depend from claim 41 and therefore include all of the features recited in claim 41, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 41.

In re Fine, supra.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claims 45, 46, and 48

Claims 45, 46, and 48 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that

the combination of Michaud and Jackson does not render unpatentable any of claims 45, 46, and 48 for at least the following reasons.

Claim 45 recites the following:

41. A method for controlling a target device, comprising:
 - receiving a data signal including content;
 - receiving a command signal, the command signal including commands, associated with the content, for controlling the target device; and
 - controlling the target device as a function of the commands while rendering the content associated therewith via an output device.

Michaud refers to a microprocessor 100 that is coupled to an electronic storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Examiner admits that Michaud does not disclose controlling at least one target device as a function of a command signal and providing a data signal to an output device, where the output device provides an output as a function of the data signal while the at least one target device is controlled as a function of the command signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features. Specifically, Jackson does not disclose or suggest a command signal that includes commands associated with content to be output while a target device is controlled as a function of the commands.

Jackson refers to an IR code list, an IR selection, an EPG selection, and an EPG, none of which disclose or suggest the recited command signal for the following reasons.

Generally, in Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. The signals generated by the IR generator 23 depend on an IR selection, selected from an IR code list 35. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG, which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected, the EPG selection.

The IR code list 35 does not disclose or suggest the recited command signal. The list is not used to control a device, for example, the VCR 38 of Jackson, while content with which the list is associated is output by an output device, for example, the TV/monitor 36 of Jackson. Instead, the list is stored in a memory 18, while data with which the list was

transmitted is output by the TV/monitor 36. The list is callable by a user. In response to the call, the list is displayed. The user can enter input to select one of the listed IR signals. The selection is stored in a memory 15. The selection may then be used by the IR generator 23, at a later time when directed to do so by the CPU 16, to determine the particular signal to transmit. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36. At no time does the IR code list 35 itself control any device, let alone while data with which the list is associated is output by an output device. Accordingly, the IR code list 35 does not disclose or suggest a command signal that is associated with content and that causes control of a target device while output is provided by an output device as a function of the content with which the command signal is associated.

The IR selection does not disclose or suggest the recited command signal. While the selection may be used by the IR generator 23 to generate an IR signal for controlling the VCR 38, the IR selection is not associated with content rendered via an output device. Rather, the IR selection is (a) provided by a user without any association with content rendered via an output device and (b) used by the IR generator 23 to transmit an IR signal to the VCR 38. Accordingly, the IR selection does not disclose or suggest a command signal, in particular, one that is associated with content rendered via an output device.

The EPG selection does not disclose or suggest the recited command signal. The selection is input by a user, stored in a memory 15, and then used by a CPU 16 to determine whether or not to control the VCR 38. The selection is not associated with any particular content to be rendered. In particular, it generally identifies a program to be recorded without being associated with any particular content of the program that is received and rendered via an output device. For example, it does not specify any particular content and is not transmitted with any particular content.

In the Advisory Action, the Examiner asserts that it is clear from column 4, lines 18 to 25 of Jackson “that the EPG selection 7 of Jackson would control the VCR while the video and audio signals are inputted to the TV/monitor 36.” However, the EPG selection is not associated with the video and audio signals inputted to the TV/monitor 36. Instead, they merely identify a program for which the video and audio signals are provided.

Furthermore, even if the EPG selection is associated with content of an indicated program, which it is not, Jackson does not disclose control of a target device as a function of the EPG selection while the content is rendered. Jackson refers to control of a VCR 38 on the basis of the selection. The VCR 38 is controlled to begin recording immediately prior to start of an indicated program, and therefore prior to rendering of content

of the program. The VCR 38 is also controlled to stop recording after conclusion of the indicated program, and therefore subsequent to rendering of content of the program. For this additional reason, the EPG selection of Jackson does not disclose or suggest a command signal associated with content that is rendered while a target device is controlled as a function of commands of the command signal.

The EPG does not disclose or suggest the recited command signal. As an initial matter, the EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38. The EPG is used for comparison with a previously stored signal (the EPG selection 7 stored in a memory 15) to determine when a selected program starts and stops. Based on the comparison, the CPU 16 controls the VCR 38. However, the EPG itself is not a signal that commands such control.

Furthermore, even if the EPG is a command signal, which it is not, the EPG is not associated with any particular content rendered via an output device. For this additional reason, the EPG of Jackson does not disclose or suggest a command signal associated with content that is rendered while a target device is controlled as a function of commands of the command signal.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 45. Claim 45 recites that a command signal is received that includes commands that are associated with content rendered via an output device, and that these same commands and content are used such that the target device is controlled *as a function of the commands* while *the content associated therewith* is rendered via the output device. Accordingly, that Jackson may discuss output of data while a VCR 38 is controlled does not disclose or suggest the features recited in claim 45. Neither Michaud nor Jackson suggest a modification of Michaud such that a received command signal includes commands that are associated with content rendered via an output device while a target device is controlled as a function of the commands. As such, the present rejection is apparently based on nothing more than improper hindsight, which cannot support an obviousness rejection.

Accordingly, neither Michaud nor Jackson, alone or in combination, discloses or suggests all of the features recited in claim 45. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 45.

As for claims 46 and 48, which depend from claim 45 and therefore include all of the features recited in claim 45, it is respectfully submitted that the combination of

Michaud and Jackson does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 45. *In re Fine, supra*.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claim 47

Claim 47 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud and Jackson. It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 47 for at least the following reasons.

As an initial matter, claim 47 depends from claim 45 and therefore includes all of the features recited in claim 45. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 45. *In re Fine, supra*.

Furthermore, claim 47 recites “wherein the commands are linked to the content so that the commands are available for accessing to control the target device each time the content associated therewith is rendered.” The Examiner does not address this feature. Indeed, it is respectfully submitted that the combination of Michaud and Jackson does not disclose or suggest a link as recited in claim 47.

For this additional reason, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 47.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

B. Rejection of Claims 10, 11, and 33 Under 35 U.S.C. § 103(a)

Claim 10

Claim 10 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and Adams et al. It is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 10 for at least the following reasons.

Claim 10 ultimately depends from claim 41 and therefore includes all of the features recited in claim 41. Adams et al. do not correct the deficiencies of the combination of Michaud and Jackson noted above with respect to claim 41. It is therefore respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render

unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 41.

Furthermore, while Adams et al. may provide for packetized digital data streams, nowhere does the combination of Michaud, Jackson, and Adams et al. disclose or suggest attachment of a command signal “to a data packet . . . *including the data signal*” if the transmission signal is in the digital format, as recited in claim 10.

For this additional reason, it is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 10.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

Claim 11

Claim 11 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and Adams et al. It is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 11 for at least the following reasons.

Claim 11 ultimately depends from claim 41 and therefore includes all of the features recited in claim 41. Adams et al. do not correct the deficiencies of the combination of Michaud and Jackson noted above with respect to claim 41. It is therefore respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 41.

Reversal of this rejection is therefore respectfully requested.

Claim 33

Claim 33 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and Adams et al. It is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 33 for at least the following reasons.

Claim 33 depends from claim 27 and therefore includes all of the features recited in claim 27. Adams et al. do not correct the deficiencies of the combination of Michaud and Jackson noted above with respect to claim 27. It is therefore respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render

unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 27.

Furthermore, while Adams et al. may provide for packetized digital data streams, nowhere does the combination of Michaud, Jackson, and Adams et al. disclose or suggest “attaching [a] command signal to a data packet . . . *including the data signal*”, as recited in claim 33.

For this additional reason, it is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 33.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

8. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal. An “Evidence Appendix” is nevertheless attached hereto.

9. RELATED PROCEEDINGS APPENDIX

As indicated above in Section 2, above, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, Intel Corporation,, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted. A “Related Proceedings Appendix” is nevertheless attached hereto.

10. CONCLUSION

For at least the reasons indicated above, Appellants respectfully submit that the art of record does not disclose or suggest the subject matter as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the subject matter recited in the claims of the present application is new, non-obvious and useful.

In view of all of the foregoing, reversal of all of the rejections set forth in the Final Office Action is therefore respectfully requested.

Respectfully submitted,

Dated: 24 March 2006

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CLAIMS APPENDIX

2. The system according to claim 41, wherein the data signal includes at least one of a video signal, an audio signal and an information signal.
3. The system according to claim 41, wherein the output device includes at least one of a television set, a display device, an audio device and a data processor.
4. The system according to claim 41, wherein the at least one target device includes at least one of a light control device, a climate control device, a computer, a printer, a display device, an audio system, a telephone, a television set, a toy, a motorized device, a controllable device, a home appliance control device.
5. The system according to claim 41, further comprising:
a network arrangement facilitating a transmission of the transmission signal from the first device to the second device.
6. The system according to claim 5, wherein the network arrangement includes at least one of a television broadcast system, a communication network, a satellite network, a cable network and a telephone network.
7. The system according to claim 41, wherein the transmission signal is in one of an analog format and a digital format.
8. The system according to claim 7, wherein if the transmission signal is in the analog format, the command signal is inserted by the first device into a predetermined portion of the data signal and the command signal is extracted by the second device from the predetermined portion.
9. The system according to claim 8, wherein the predetermined portion is a vertical blanking intervals portion.
10. The system according to claim 7, wherein if the transmission signal is in the digital format, the command signal is attached to a data packet of the transmission signal by the first device, the data packet including the data signal, and the command signal is extracted from the data packet using the second device.
11. The system according to claim 7, wherein if the transmission signal is in the digital format, the command signal is transmitted using a command packet by the first device, the command packet corresponding to a data packet including the data signal, and the command signal is extracted from the command packet using the second device.

13. A generating device of a system for providing a transmission signal, the system controlling at least one target device, comprising:

- a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device;

- a command coder converting the command signal into a first signal, the command coder being coupled to the command receiver;

- a data receiver receiving a data signal from an input device; and

- a data coder converting the data signal into a second signal, the data coder being coupled to the data receiver;

- a modulator coupled to the command and data coders and generating the transmission signal using the first and second signals; and

- a transmitter coupled to the modulator and transmitting the transmission signal, wherein data in the command signal and data in the data signal are linked so that when the data signal is used at a receiving end of the transmission signal, the at least one target device is controlled as a function of the command signal while an output device at the receiving end provides an output as a function of the data signal.

14. The generating device according to claim 13, wherein the at least one target device is controlled as a function of the control signal.

15. The generating device according to claim 13, further comprising:

- a controller facilitating generation of the transmission signal; and

- a memory unit coupled to the controller and storing the transmission signal.

16. A control device of a system, the system controlling at least one target device, comprising:

- a receiver receiving a transmission signal;

- a demodulator extracting a first signal and a second signal from the transmission signal;

- a command decoder decoding the first signal into the command signal;

- a data decoder decoding a data signal from the second signal; and

- a data transmitter receiving the data signal and providing the data signal to an output device;

- wherein the at least one target device is controlled as a function of the command signal while an output device provides an output as a function of the data signal.

18. The control device according to claim 16, further comprising:
a command dispatcher providing the command signal to a corresponding target device.
19. The control device according to claim 16, further comprising:
a controller generating a control signal using the command signal to control the at least one target device; and
a memory unit coupled to the controller and storing the command signal.
20. The control device according to claim 19, further comprising:
a filtering device coupled to the controller, the filtering device controlling and selecting the command signal as a function of predetermined variables.
21. The control device according to claim 20, wherein the filtering device is implemented as a software application, the software application being stored in the memory unit.
22. The control device according to claim 20, wherein the predetermined variables are adjusted according to a predetermined procedure.
23. The control device according to claim 16, wherein the command transmitter provides the command signal to the output device.
24. The control device according to claim 20, further comprising:
a transmitting device transmitting a data to a predetermined device, the data being provided by at least one of the filtering device and the at least one target device.
25. The control device according to claim 24, wherein the transmitting device includes a modem.
26. The control device according to claim 19, wherein the predetermined variables include a profile of a user.
27. A method for controlling at least one target device, comprising:
(a) providing a command signal and a data signal to a first device, the command signal being associated with the data signal;
• (b) converting the command and data signals to a transmission signal using the first device;
(c) transmitting the transmission signal to a second device;
(d) extracting the command signal from the transmission signal using the second device;
(e) controlling the at least one target device as a function of the command signal;

(f) extracting the data signal from the transmission signal using the second device; and

(g) providing the data signal to an output device, the output device providing an output as a function of the data signal while the at least one target device is controlled as a function of the command signal associated with the data signal.

29. The method according to claim 27, further comprising the step of:

(h) controlling at least one of the second device and the output device as a function of the command signal.

30. The method according to claim 27, further comprising the step of:

(i) controlling the command signal as a function of predetermined variables using a filtering device.

31. The method according to claim 27, wherein the step (b) includes a substep of inserting the command signal into a vertical blanking interval portion of the data signal and wherein the step (d) includes a substep of extraction the command signal from the vertical blanking interval portion.

32. The method according to claim 31, wherein the command signal is transmitted using one of an in-band procedure and an out-of-band procedure.

33. The method according to claim 27, wherein the step (b) includes a substep of attaching the command signal to a data packet of the transmission signal and wherein the step (d) includes a substep of extraction the command signal from the data packet, the data packet including the data signal.

34. A method for controlling at least one target device, comprising:

- (a) obtaining a first address and a second address from a first device;
- (b) providing the first and second addresses to a command device;
- (c) providing a message, located at the first address to the first device using the command device, the message including the second address;
- (d) transmitting the message, located at the first address, to a second device;
- (e) extracting the second address from the message using the second device;
- (f) storing the second address using a memory unit;
- (g) providing a command signal and a data signal to the first device;
- (h) transmitting the command signal, located at the second address, to the second device;
- (i) controlling the at least one target device using the command signal;
- (j) transmitting the data signal to the second device;
- (k) providing the data signal to an output device by the second device; and

(l) providing, by the output device, an output as a function of the data signal while the at least one target device is controlled using the command signal.

35. The method according to claim 34, wherein the message includes a predetermined data of the command and data signals.

36. The method according to claim 35, wherein the at least one target device selects the command signal as a function of the predetermined data.

38. A computer-readable storage medium storing a set of instructions, the set of instructions capable of being executed by a processor to implement a control operation of at least one target device on at least one computer system, the method comprising:

- (a) providing a command signal and a data signal to a first device, the command signal being associated with the data signal;
- (b) converting the command and data signals to a transmission signal using the first device;
- (c) transmitting the transmission signal to a second device;
- (d) extracting the command signal from the transmission signal using the second device; and
- (e) controlling the at least one target device as a function of the command signal while an output device provides an output as a function of the data signal to which the command signal is associated.

41. A communication and control system, comprising:

- an input device generating a data signal;
- a command device generating a command signal associated with the data signal;
- a first device receiving the data and the command signal associated with the data signal, the first device generating a transmission signal including the data signal and the associated command signal;
- a second device receiving the transmission signal and extracting the data signal and the associated command signal from the transmission signal;
- an output device receiving the data signal from the second device; and
- at least one target device controlled automatically as a function of the associated command signal while the output device provides an output as a function of the data signal.

42. The system according to claim 41, wherein the data signal includes particular content, and the associated command signal is associated with the particular content and wherein the output device renders the particular content while the at least one target device is

controlled as a function of the associated command signal, and wherein the particular content includes at least one of audio data and video data.

43. The system according to claim 41, wherein the at least one target device is controlled automatically as a function of the associated command signal and without user intervention while the output device provides the output.

44. The system according to claim 41, wherein the output device and the at least one target device are separate devices.

45. A method for controlling a target device, comprising:
receiving a data signal including content;
receiving a command signal, the command signal including commands, associated with the content, for controlling the target device; and
controlling the target device as a function of the commands while rendering the content associated therewith via an output device.

46. The method according to claim 45, wherein the content includes at least one of audio and video.

47. The method according to claim 45, wherein the commands are linked to the content so that the commands are available for accessing to control the target device each time the content associated therewith is rendered.

48. The method according to claim 45, wherein the controlling step includes controlling the target device as a function of the commands while rendering the content associated therewith via the output device, the output device being a separate device from the target device.

EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal.

RELATED PROCEEDINGS APPENDIX

As indicated above in Section 2 of this Appeal Brief, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, Intel Corporation, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted.